
(2004) 05 P&H CK 0126

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No's. 11293-M and 55902-M of 2003

Dhanender Kumar and Others

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 24-05-2004

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 34, 406, 498A, 506

Citation : (2005) 1 DMC 799 : (2004) 3 RCR(Criminal) 612

Hon'ble Judges : Satish Kumar Mittal, J

Bench : Single Bench

Advocate : Mahavir Sandhu, for the Appellant; Sunil K. Vasisth, AAG for the Respondent No. 1 and Anil Rathee, for the Respondent No. 2, for the Respondent

Final Decision : Allowed

Judgement

Satish Kumar Mittal, J.—This order shall dispose of CrI. Misc. Nos. 55902-M and 11293-M of 2003, for quashing of FIR No. 456 dated 23.9.2002 registered under Sections 323/406/498A/506/34, I.P.C. at Police Station Sector 5, Panchkula and all the proceedings arising therefrom.

2. The petitioners in CrI. Misc. No. 55902-M of 2003 are husband, parents-in-law and brother-in-law (Jeth) of respondent No. 2, whereas the petitioners in CrI. Misc. No. 11293-M of 2003 are her brother-in-law (Nandooa) and sister-in-law (Nanad).

3. The marriage of petitioner Dhanender Kumar and respondent No. 2-complainant Sonal was solemnized on 10.9.1999. Subsequently, due to some differences, the respondent-wife made a complaint, on the basis of which FIR was registered against the petitioners. Thereafter, with the intervention of respectables of the families, the matter was compromised and the couple decided to live together peacefully and happily.

4. In pursuance of the notice issued by this Court, respondent No. 2-complainant, has appeared. Her husband Dhanender Kumar petitioner is also

present and has made the following statement:

"My marriage was solemnised with respondent No. 2-Smt. Sonal on September 10, 1999. Due to some differences, a harassment was caused to my wife, as a result of which she lodged an FIR against me and my family members bearing No. 456 dated 23.9.2002 under Sections 323,406,498A,506 and 34, I.P.C. at Police Station Sector 5, Panchkula. During the pendency of the said case, now we have amicably resolved our differences with the intervention of respectables of the families and have decided to live together. Now I am living with my wife happily and undertake to the Court that I will not misbehave or cause any sort of harassment to my wife."

5. After hearing the above said statement of petitioner Dhanender Kumar, his wife-complainant Sonal, made the following statement:

"I have heard the statement of my husband made in Court today. Now, he has given assurance to the Court that in future he will not cause any kind of harassment to me. We have compromised the matter and are living happily. I have no objection if the instant FIR lodged at my instance against my husband and his family members is quashed."

6. After hearing the arguments of learned Counsel for the parties, I am of the opinion that since the parties have compromised the matter and the couple is residing together peacefully and happily, therefore, no useful purpose will be served by continuing with the criminal proceedings in the instant FIR, and it will be futile because respondent No. 2-complainant is not going to support the prosecution case. I am satisfied that the settlement arrived at between the parties is bona fide. Therefore, in view of the aforesaid statements of the husband and wife, the fact that the parties have compromised the matter and the law laid down by the Hon"ble Apex Court in B.S. Joshi and Ors. v. State of Haryana and Anr. 1(2003) DMC 524 (SC : II (2003) SLT 689 : II (2003) CCR 57 (SC) : 2003 (2) RCR 888 (SC), FIR No. 456 dated 23.9.2002 registered under Sections 323/406/498A/506/34, I.P.C. at Police Station Sector 5, Panchkula and all the proceedings arising therefrom are quashed.

Petitions stand allowed accordingly.